

Senate File 2052 - Introduced

SENATE FILE 2052

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A BILL FOR

1 An Act relating to discrimination on the basis of medical
2 creed under the Iowa civil rights Act of 1965 and including
3 effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.2, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11A. "*Medical creed*" means the vaccination
4 or disease immunity status of an individual, an individual's
5 decision to disclose or refuse to disclose private medical
6 records, and an individual's sincerely held beliefs relevant to
7 medical interventions.

8 Sec. 2. Section 216.5, subsections 6 and 8, Code 2021, are
9 amended to read as follows:

10 6. To issue such publications and reports of investigations
11 and research as in the judgment of the commission shall tend
12 to promote goodwill among the various racial, religious, and
13 ethnic groups of the state and which shall tend to minimize or
14 eliminate discrimination in public accommodations, employment,
15 apprenticeship and on-the-job training programs, vocational
16 schools, career and technical education programs, or housing
17 because of race, creed, medical creed, color, sex, sexual
18 orientation, gender identity, national origin, religion,
19 ancestry, or disability.

20 8. To make recommendations to the general assembly for such
21 further legislation concerning discrimination because of race,
22 creed, medical creed, color, sex, sexual orientation, gender
23 identity, national origin, religion, ancestry, or disability as
24 it may deem necessary and desirable.

25 Sec. 3. Section 216.6, subsection 1, paragraphs a, b, and c,
26 Code 2021, are amended to read as follows:

27 a. Person to refuse to hire, accept, register, classify,
28 or refer for employment, to discharge any employee, or to
29 otherwise discriminate in employment against any applicant for
30 employment or any employee because of the age, race, creed,
31 medical creed, color, sex, sexual orientation, gender identity,
32 national origin, religion, or disability of such applicant or
33 employee, unless based upon the nature of the occupation. If a
34 person with a disability is qualified to perform a particular
35 occupation, by reason of training or experience, the nature

1 of that occupation shall not be the basis for exception to
2 the unfair or discriminatory practices prohibited by this
3 subsection.

4 *b.* Labor organization or the employees, agents, or members
5 thereof to refuse to admit to membership any applicant, to
6 expel any member, or to otherwise discriminate against any
7 applicant for membership or any member in the privileges,
8 rights, or benefits of such membership because of the age,
9 race, creed, medical creed, color, sex, sexual orientation,
10 gender identity, national origin, religion, or disability of
11 such applicant or member.

12 *c.* Employer, employment agency, labor organization, or the
13 employees, agents, or members thereof to directly or indirectly
14 advertise or in any other manner indicate or publicize that
15 individuals of any particular age, race, creed, medical creed,
16 color, sex, sexual orientation, gender identity, national
17 origin, religion, or disability are unwelcome, objectionable,
18 not acceptable, or not solicited for employment or membership
19 unless based on the nature of the occupation.

20 (1) If a person with a disability is qualified to perform a
21 particular occupation by reason of training or experience, the
22 nature of that occupation shall not be the basis for exception
23 to the unfair or discriminatory practices prohibited by this
24 subsection.

25 (2) An employer, employment agency, or their employees,
26 servants, or agents may offer employment or advertise for
27 employment to only persons with disabilities, when other
28 applicants have available to them other employment compatible
29 with their ability which would not be available to persons
30 with disabilities because of their disabilities. Any such
31 employment or offer of employment shall not discriminate among
32 persons with disabilities on the basis of race, color, creed,
33 medical creed, sex, sexual orientation, gender identity, or
34 national origin.

35 Sec. 4. Section 216.6A, subsection 1, paragraph a,

1 unnumbered paragraph 1, Code 2021, is amended to read as
2 follows:

3 The general assembly finds that the practice of
4 discriminating against any employee because of the age, race,
5 creed, medical creed, color, sex, sexual orientation, gender
6 identity, national origin, religion, or disability of such
7 employee by paying wages to such employee at a rate less than
8 the rate paid to other employees does all of the following:

9 Sec. 5. Section 216.6A, subsection 1, paragraph b, Code
10 2021, is amended to read as follows:

11 b. The general assembly declares that it is the policy
12 of this state to correct and, as rapidly as possible, to
13 eliminate, discriminatory wage practices based on age, race,
14 creed, medical creed, color, sex, sexual orientation, gender
15 identity, national origin, religion, and disability.

16 Sec. 6. Section 216.6A, subsection 2, paragraph a, Code
17 2021, is amended to read as follows:

18 a. It shall be an unfair or discriminatory practice for
19 any employer or agent of any employer to discriminate against
20 any employee because of the age, race, creed, medical creed,
21 color, sex, sexual orientation, gender identity, national
22 origin, religion, or disability of such employee by paying
23 wages to such employee at a rate less than the rate paid to
24 other employees who are employed within the same establishment
25 for equal work on jobs, the performance of which requires equal
26 skill, effort, and responsibility, and which are performed
27 under similar working conditions. An employer or agent of an
28 employer who is paying wages to an employee at a rate less than
29 the rate paid to other employees in violation of [this section](#)
30 shall not remedy the violation by reducing the wage rate of any
31 employee.

32 Sec. 7. Section 216.6A, subsection 3, paragraph d, Code
33 2021, is amended to read as follows:

34 d. Pay differential is based on any other factor other
35 than the age, race, creed, medical creed, color, sex, sexual

1 orientation, gender identity, national origin, religion, or
2 disability of such employee.

3 Sec. 8. Section 216.7, subsection 1, paragraphs a and b,
4 Code 2021, are amended to read as follows:

5 a. To refuse or deny to any person because of race, creed,
6 medical creed, color, sex, sexual orientation, gender identity,
7 national origin, religion, or disability the accommodations,
8 advantages, facilities, services, or privileges thereof, or
9 otherwise to discriminate against any person because of race,
10 creed, medical creed, color, sex, sexual orientation, gender
11 identity, national origin, religion, or disability in the
12 furnishing of such accommodations, advantages, facilities,
13 services, or privileges.

14 b. To directly or indirectly advertise or in any other
15 manner indicate or publicize that the patronage of persons of
16 any particular race, creed, medical creed, color, sex, sexual
17 orientation, gender identity, national origin, religion, or
18 disability is unwelcome, objectionable, not acceptable, or not
19 solicited.

20 Sec. 9. Section 216.8, subsection 1, paragraphs a, b, c, and
21 d, Code 2021, are amended to read as follows:

22 a. To refuse to sell, rent, lease, assign, sublease, refuse
23 to negotiate, or to otherwise make unavailable, or deny any
24 real property or housing accommodation or part, portion, or
25 interest therein, to any person because of the race, color,
26 creed, medical creed, sex, sexual orientation, gender identity,
27 religion, national origin, disability, or familial status of
28 such person.

29 b. To discriminate against any person because of the
30 person's race, color, creed, medical creed, sex, sexual
31 orientation, gender identity, religion, national origin,
32 disability, or familial status, in the terms, conditions,
33 or privileges of the sale, rental, lease assignment, or
34 sublease of any real property or housing accommodation or any
35 part, portion, or interest in the real property or housing

1 accommodation or in the provision of services or facilities in
2 connection with the real property or housing accommodation.

3 *c.* To directly or indirectly advertise, or in any other
4 manner indicate or publicize that the purchase, rental,
5 lease, assignment, or sublease of any real property or housing
6 accommodation or any part, portion, or interest therein,
7 by persons of any particular race, color, creed, medical
8 creed, sex, sexual orientation, gender identity, religion,
9 national origin, disability, or familial status is unwelcome,
10 objectionable, not acceptable, or not solicited.

11 *d.* To discriminate against the lessee or purchaser of any
12 real property or housing accommodation or part, portion, or
13 interest of the real property or housing accommodation, or
14 against any prospective lessee or purchaser of the property
15 or accommodation, because of the race, color, creed, medical
16 creed, religion, sex, sexual orientation, gender identity,
17 disability, age, or national origin of persons who may from
18 time to time be present in or on the lessee's or owner's
19 premises for lawful purposes at the invitation of the lessee
20 or owner as friends, guests, visitors, relatives, or in any
21 similar capacity.

22 Sec. 10. Section 216.8A, subsections 1, 2, and 5, Code 2021,
23 are amended to read as follows:

24 1. A person shall not induce or attempt to induce another
25 person to sell or rent a dwelling by representations regarding
26 the entry or prospective entry into a neighborhood of a person
27 of a particular race, color, creed, medical creed, sex, sexual
28 orientation, gender identity, religion, national origin,
29 disability, or familial status.

30 2. A person shall not represent to a person of a particular
31 race, color, creed, medical creed, sex, sexual orientation,
32 gender identity, religion, national origin, disability,
33 or familial status that a dwelling is not available for
34 inspection, sale, or rental when the dwelling is available for
35 inspection, sale, or rental.

1 5. A person shall not deny another person access to,
2 or membership or participation in, a multiple-listing
3 service, real estate brokers' organization or other service,
4 organization, or facility relating to the business of selling
5 or renting dwellings, or discriminate against a person in terms
6 or conditions of access, membership, or participation in such
7 organization because of race, color, creed, medical creed, sex,
8 sexual orientation, gender identity, religion, national origin,
9 disability, or familial status.

10 Sec. 11. Section 216.8A, subsection 4, paragraph a, Code
11 2021, is amended to read as follows:

12 a. A person whose business includes engaging in residential
13 real estate related transactions shall not discriminate
14 against a person in making a residential real estate
15 related transaction available or in terms or conditions of a
16 residential real estate related transaction because of race,
17 color, creed, medical creed, sex, sexual orientation, gender
18 identity, religion, national origin, disability, or familial
19 status.

20 Sec. 12. Section 216.9, subsection 1, unnumbered paragraph
21 1, Code 2021, is amended to read as follows:

22 It is an unfair or discriminatory practice for any
23 educational institution to discriminate on the basis of race,
24 creed, medical creed, color, sex, sexual orientation, gender
25 identity, national origin, religion, or disability in any
26 program or activity. Such discriminatory practices shall
27 include but not be limited to the following practices:

28 Sec. 13. Section 216.10, subsection 1, paragraphs a, b, and
29 c, Code 2021, are amended to read as follows:

30 a. Creditor to refuse to enter into a consumer credit
31 transaction or impose finance charges or other terms or
32 conditions more onerous than those regularly extended by that
33 creditor to consumers of similar economic backgrounds because
34 of age, color, creed, medical creed, national origin, race,
35 religion, marital status, sex, sexual orientation, gender

1 identity, physical disability, or familial status.

2 **b.** Person authorized or licensed to do business in this
3 state pursuant to [chapter 524](#), [533](#), [536](#), or [536A](#) to refuse to
4 loan or extend credit or to impose terms or conditions more
5 onerous than those regularly extended to persons of similar
6 economic backgrounds because of age, color, creed, medical
7 creed, national origin, race, religion, marital status, sex,
8 sexual orientation, gender identity, physical disability, or
9 familial status.

10 **c.** Creditor to refuse to offer credit life or health and
11 accident insurance because of color, creed, medical creed,
12 national origin, race, religion, marital status, age, physical
13 disability, sex, sexual orientation, gender identity, or
14 familial status. Refusal by a creditor to offer credit
15 life or health and accident insurance based upon the age or
16 physical disability of the consumer shall not be an unfair or
17 discriminatory practice if such denial is based solely upon
18 bona fide underwriting considerations not prohibited by Title
19 XIII, subtitle 1.

20 Sec. 14. Section 216.12A, Code 2021, is amended to read as
21 follows:

22 **216.12A Additional housing exception.**

23 Sections 216.8 and [216.8A](#) do not prohibit a person engaged
24 in the business of furnishing appraisals of real estate from
25 taking into consideration factors other than race, color,
26 creed, medical creed, sex, sexual orientation, gender identity,
27 religion, national origin, disability, or familial status in
28 appraising real estate.

29 Sec. 15. NEW SECTION. **216.23 Findings — suspension during**
30 **disaster emergency prohibited.**

31 1. The general assembly finds that the establishment
32 of medical creed as a protected class under this chapter
33 is necessary to protect the integrity of civil rights and
34 constitutional liberty in this state as a result of the
35 collective response to the COVID-19 pandemic.

1 2. Provisions of this chapter relating to medical creed are
2 not subject to suspension by the governor pursuant to section
3 29C.6, subsection 6.

4 Sec. 16. EFFECTIVE DATE. This Act, being deemed of
5 immediate importance, takes effect upon enactment.

EXPLANATION

7 The inclusion of this explanation does not constitute agreement with
8 the explanation's substance by the members of the general assembly.

9 This bill prohibits unfair or discriminatory practices on
10 the basis of medical creed under Code chapter 216 in regard to
11 employment, accommodations or services, housing, education,
12 or credit. Remedial measures under Code chapter 216 are
13 applicable to such conduct.

14 The bill defines "medical creed" as the vaccination or
15 disease immunity status of an individual, an individual's
16 decision to disclose or refuse to disclose private medical
17 records, and an individual's sincerely held beliefs relevant to
18 medical interventions.

19 Provisions of the bill are not subject to suspension by
20 the governor during the period of a proclamation of disaster
21 emergency. The bill includes legislative findings.

22 The bill takes effect upon enactment.